



U.S. Department of Justice

**MEMO ENDORSED**

*United States Attorney  
Southern District of New York*

*United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601*

November 16, 2020

**BY CM/ECF and ELECTRONIC MAIL**

The Honorable Kenneth M. Karas  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
New York, New York 10601

**Re: *United States v. Simon Goldbrener, et al.*,  
18 Cr. 614 (KMK)**

Dear Judge Karas:

The Government writes respectfully to request that this Court set dates in December 2021 for the sentencings of defendants Simon Goldbrener and Moshe Schwartz. As the Court is aware, all the defendants in this case pled guilty in January and February 2020. Sentencing submissions were completed on December 8, 2020. Sentencings have since been delayed by the COVID-19 pandemic. Although the pandemic persists, it has become sufficiently stable to permit sentencing to go forward.


The Government requests sentencings for December 2021 because, among other reasons, the lead agent investigating this case will retire in January 2021, and her testimony may be necessary to resolve any factual issues in this case. It is for that same reason that this Court should schedule the sentencings for Goldbrener and Schwartz first: Both defendants' sentencing submissions could be interpreted to raise factual disputes that may require hearings to resolve. (See Dkt. 177 at 36, 51–52). The Court may also find it efficient to order Goldbrener and Schwartz to identify any factual assertions in the Government's submission which they continue to dispute, by

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submitting a letter at least one week prior to sentencing, so that the Court can determine whether the sentencing can be conducted, or a hearing must be scheduled.

Respectfully submitted,

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United States Attorney

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cc: All counsel (via CM/ECF and electronic mail)

The calendar for December is booked.  
More notice should have been provided,  
including which sentence might require  
a hearing and how long such a hearing  
would take.

So Ordered  
AK MK  
11/17/21